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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,845	04/12/2004	Patrick Valette	104710	1729
38598	7590	05/05/2008		
ANDREWS KURTH LLP 1350 I STREET, N.W. SUITE 1100 WASHINGTON, DC 20005			EXAMINER NGUYEN, CUONG H	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 05/05/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,845

Applicant(s)

VALETTE ET AL.

Examiner

CUONG H. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 23-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 37-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the communication filed on 12/10/2007, which paper has been placed of record in the file.
2. Claims 1-39 are pending in this application, wherein 23-36 are withdrawn.

Response

3. The applicants elect claims 1-22, and 37-39 with traverse; applicants also argue that “the claims speak for themselves” this statement is unclear; the examiner based on the pending claimed language to make that requirement in Office Action (i.e., on based on pending claims, mailed on 9/10/2007).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang (US Pat. 6,278,913), in view of Walker (US Pub. 20030093187).
A. As for claims 1, 16-17, and 22: Jiang teaches a method for remotely communicating and interfacing with an aircraft condition monitoring system on an aircraft, comprising:
- providing a storage card (see Jiang, FIG.1 “AVIATION SMART LOG BOX”);
plugging the smart/storage card into the AVIATION SMART LOG BOX using a card interface, wherein the AVIATION SMART LOG BOX collects flight performance data

and later, generating an aircraft condition monitoring report; using the processing power of a computer to detect whether the aircraft condition monitoring report is generated; after the report is generated, connecting the wireless interface to a detected ground-based network based on network attributes stored in a database on the storage card; and wirelessly transmitting the flight performance data to a ground station through an available connection (e.g., a wired/wireless network - see Jiang, FIG.1 “AVIATION SMART LOG BOX”).

Jiang does not disclose a smart card with a wirelessly transmitted capability to transmit recorded information to a ground facility.

However, transferring processed data wirelessly (or wired transmission functionality as in claim 17) has been a very well-known technology at the time of invention (see Walker, Fig.11 – wirelessly linking among responsible parties (access points) with a PCMCIA multi pin Docking Interface, and claim 1); therefore, a claimed feature of “wirelessly transmitting the flight performance data to a ground station through a wireless network.”.

Jiang also does not disclose that “using the processing power of a computer to detect whether the aircraft condition monitoring report is generated”; the examiner’s position is using available power to check/sense a job is well-known (e.g., a USB flash drive uses a computer power for its LED, and processing its own data; a computer’s monitor will display that a report would be generated at a local printer).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Jiang’s invention with Walker’s application of using a wirelessly

transmitted capability to transmit recorded information from an aircraft to a ground facility for the benefits of instantly monitoring aircraft conditions in order to provide immediate solutions to those abnormal conditions.

B. As to claims 5-6, 9, and 20: Jiang teaches that he uses an encryption/decryption technique for data (see Jiang, FIG.11).

C. As to claim 18: Walker teaches that a wired network is an Ethernet (see Walker, paragraphs [0905], 1298], and [1370].

D. As to claims 7-8, 10-11, 21, 37-39: The rationales and references for rejection of claim 1 are incorporated.

Since WEP, WPA, EAP, and Wi-Fi 802.11(a), (b), (g), and Wi-Fi 802.16 are already available and efficient standards/technologies at the time of invention, it is obvious that one with ordinary skill in the art would be able to use these for data transmission.

E. As to claim 12: The rationales and references for rejection of claim 1 are incorporated. The examiner's position is reporting when cargo doors of an aircraft are open by using a sensor to detect that event is a well-known task.

F. As to claim 2: The rationales and references for rejection of claim 1 are incorporated.

The examiner's position is checking to see if there is a connection/communication between 2 devices/places is a well-known task.

G. As to claim 3: The rationales and references for rejection of claim 1 are incorporated.

The examiner's position is providing a computer card (e.g., a PCICIA card) for use is a well-known task (knowing that a computer card may include a processor and may have a

wireless transmission capability – these are available integrated circuitries that are built-in on a card).

H. As to claims 4, and 19: The rationales and references for rejection of claim 1 are incorporated.

The examiner's position is erasing data after use them has been used to save memory space (e.g. Sony digital camera 10.1 mega pixel has this feature).

I. As to claims 13-15: The rationales and references for rejection of claim 1 are incorporated.

The examiner's position is using "if" then "else" condition to "do" an action is well-known in computer programming (e.g., "if" aircraft ground speed is zero/engine fuel flow reaching zero/closing of aircraft fuel valves (indicating that aircraft is not moving/engine stopped working); "then do" sending a signal to checking a file/report).

Conclusion

5. Pending claims are not patentable.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

/CUONG H. NGUYEN/
Primary Examiner
Art Unit 3661